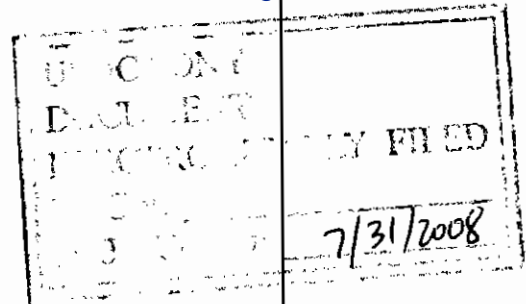


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- -X  
EARL B. GARVIN,

Plaintiff,

- against -

DALE ARTIST,

Defendant.  
----- -X

ORDER

08 Civ. 5571 (DC)

**CHIN, District Judge**

Pro se plaintiff has filed two complaints against defendant Dale Artist, asserting identical claims that arise from the same facts. Because the first case, Garvin v. Artist, 08 Civ. 5285, is presently before Judge Crotty, this action is dismissed, without prejudice.

SO ORDERED.

Dated: New York, New York  
July 31, 2008

A handwritten signature in black ink, appearing to read "Denny Chin", written over a horizontal line.

DENNY CHIN  
United States District Judge